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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,650	06/19/2000	Robert A. Luciano	83336.0993	4935

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STEPTOE & JOHNSON, LLP
1330 CONNECTICUT AVENUE, NW
WASHINGTON, DC 20036

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/596,650.

Applicant(s)

LUCIANO ET AL.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 25 and 27 is/are allowed.
- 6) ☒ Claim(s) 22, 23, 26 and 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on 02/27/07.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 23, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherford (5,505,551) in view of Horniak et al. (5,833,104).

Regarding claims 22 and 23, Rutherford discloses (Fig. 1-15) the invention substantially as claimed including a fan folded strip media 10 having a plurality of pieces of media (see Fig. 4B), a surface (see Fig. 1), a first side (see Fig. 1, a left tear side of an individual item 14), a second side (see Fig. 1, a right tear side of an individual item 14), a center portion (see Fig. 1, a center tear portion of an individual item 14), a plurality of perforation 16, a plurality of bridges (see Fig. 1, the spaces between the perforations), a tear bar 38C-D, a first side portion 94 having a tapered surface (see Fig. 14, a right side portion of a high point 94) adapted to abut the surface of the plurality of pieces of media, the distance between the surface of the one of the plurality of pieces of media and the tear bar increases as the tear bar is traversed in the direction from the first side of the one of the plurality of pieces of media towards the center portion of the media

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(see Fig. 14, where the distance between the side portion 94 and the sheet 10 is smaller than the distance between the center portion 96 and the sheet 10), a second side portion surface (see Fig. 14, a left side portion of a high point 94), and wherein the tear bar is rotationally fixed. Rutherford doesn't show a roughened surface. However, Horniak et al. teaches the use of a roughened surface for the purpose of providing frictional surface for engaging the ticket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Rutherford's device by providing the roughened surface as taught by Horniak et al. in order to obtain a device that provides more friction to surface of the strip for helping to tear the strip.

- Claim 26; at least nine bridges (see Fig. 1).
- Claim 28; the plurality of perforations are arranged substantially in a line (see Fig. 1).
- Claim 29; corner treatments 18.

4. Claims 30-33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherford (5,505,551) in view of Horniak et al. (5,833,104).

Regarding claims 30 and 32, Rutherford discloses (Fig. 1-15) the process substantially as claimed including the step of: providing a fan folded strip media 10 having a plurality of pieces of media (see Fig. 4B), a surface (see Fig. 1), a first side (see Fig. 1, a left tear side of an individual item 14), a second side (see Fig. 1, a right tear side of an individual item 14), a center portion (see Fig. 1, a center tear portion of an individual item 14), a plurality of perforation 16, a

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plurality of bridges (see Fig. 1, the spaces between the perforations); providing a tear bar 38C-D, a first side portion 94 having a tapered surface (see Fig. 14, a right side portion of a high point 94) adapted to abut the surface of the plurality of pieces of media, the distance between the surface of the one of the plurality of pieces of media and the tear bar increases as the tear bar is traversed in the direction from the first side of the one of the plurality of pieces of media towards the center portion of the media (see Fig. 14, where the distance between the side portion 94 and the sheet 10 is smaller than the distance between the center portion 96 and the sheet 10), a second side portion surface (see Fig. 14, a left side portion of a high point 94), and wherein the tear bar is rotationally fixed; positioning the media, so that the first side is positioned in close relative proximity to the first side portion and the second side is positioned in close relative proximity to the second side portion (see Fig. 2 and 14), and applying a longitudinal force to the end portion (see col. 6, lines 55-57, where the high point 96 aids in the separation of transverse lines 16 by resisting the longitudinal movement of the media). Rutherford doesn't show a roughened surface. However, Horniak et al. teaches the use of a roughened surface for the purpose of providing frictional surface for engaging the ticket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Rutherford's device by providing the roughened surface as taught by Horniak et al. in order to obtain a device that provides more friction to surface of the strip for helping to tear the strip.

- Claim 31; the plurality of perforations and bridges (see Fig. 1).
- Claim 34; a center portion 94 being adapted to abut the media (see Fig. 14).

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Allowable Subject Matter

5. Claims 24, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Luciano et al. is cited to show a related device.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs
5/10/07



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER